

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Justin L. Victory,

Case No.: 2:25-cv-00605-JAD-EJY

4 Plaintiff

5 v.

**Order Closing Case
as Inadvertently Opened**

6 Zach Conine,

7 Defendant

8
9 On April 2, 2025, the court received an application to proceed *in forma pauperis* from
10 plaintiff Justin L. Victory for a case against defendant Zach Conine. The court opened a case
11 and filed the application to proceed *in forma pauperis* in that case.¹ The next day, the court
12 received a complaint from Victory for a case against defendant Zach Conine. Because the
13 complaint was received separately from the previously filed application to proceed *in forma*
14 *pauperis*, the court opened this case and filed the complaint at ECF No. 1-1. Victory then filed
15 an application to proceed *in forma pauperis* in this case.²

16 Victory subsequently filed a document in Case No. 2:25-cv-00604-APG-DJA indicating
17 that he did not mean to open two separate cases.³ I take judicial notice of Victory's filing in that
18 case. In that filing, Victory suggests proceeding in this case because he has already filed both a
19 complaint and an application to proceed *in forma pauperis* in this case.⁴ But he states that he is
20

21 _____
22 ¹ See Case No. 2:25-cv-00604-APG-DJA.

23 ² ECF No. 3.

³ Case No. 2:25-cv-00604-APG-DJA at ECF No. 4.

⁴ *Id.* at 2.

1 “alright with either judge,” that he did not mean to litigate duplicative facts at the same time, and
2 that he apologizes for any confusion.⁵


3 When a plaintiff opens multiple cases for the same claims, as happened here, he must
4 proceed with the first case that was opened. This is necessary to avoid the possibility that a
5 plaintiff would open multiple cases to try and get a specific judge. Although it appears that
6 Victory opened two cases completely by accident, rather than any attempt to get a specific judge,
7 he must still proceed in the first case to avoid any appearance of judge shopping. Therefore, I
8 instruct the Clerk of Court to close this case as inadvertently opened and to file Victory’s
9 complaint in Case No. 2:25-cv-00604-APG-DJA.

10 **Conclusion**

11 IT IS THEREFORE ORDERED that **the Clerk of the Court is directed to CLOSE**
12 **THIS CASE** as inadvertently opened and file the complaint (ECF No. 1-1) as a proposed
13 complaint in Case No. 2:25-cv-00604-APG-DJA.

14 IT IS FURTHER ORDERED that plaintiff’s application to proceed *in forma pauperis*
15 **[ECF No. 3] is DENIED** as moot.

16 Dated: April 28, 2025

17 
18 U.S. District Judge Jennifer A. Dorsey
19
20
21
22
23

⁵ *Id.*